

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

Holder

Civil Action No. 07-1206

versus

Judge Tucker L. Melançon

Sid Hebert, et al

Magistrate Judge Methvin

**MEMORANDUM ORDER**

Before the Court is Dexter Holder's *pro se* Motion For Temporary Restraining Order [Rec. Doc. 14]. On July 23, 2007, Holder filed a civil rights complaint pursuant to 42 U.S.C. § 1983 complaining of conditions of confinement at Iberia Parish Jail, New Iberia, Louisiana. [Rec. Doc. 1]. On December 4, 2007, the complaint was dismissed as frivolous [Rec. Doc. 11]. As Holder did not appeal within the delays provided by law; that judgment is now a final judgment and this case has been closed.

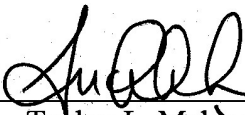
Holder, however filed a subsequent motion on April 7, 2008 seeking a "TRO" to transfer him from the Iberia Parish Jail and alleging unsanitary conditions of confinement as well as allegations which included retaliation and harassment [Rec. Doc. 12]. The Court denied Holder's motion on April 9, 2008 [Rec. Doc. 13] and advised him of 28 U.S.C. § 1915(g) which states: "In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."

In the instant motion, Holder once again seeks “a ‘TRO’ to be removed from this facility [the Iberia Parish Jail] because of abusive [sic] authority...” as well as alleged unsanitary conditions of confinement and complaints of retaliation and harassment. In essence, Holder’s requests are identical to his previous motion.

For the reasons contained in the Court’s Order dated April 9, 2008 [Rec. Doc. 13], it is

ORDERED that Dexter Holder’s Motion For Temporary Restraining Order [Rec. Doc. 14] is DENIED. Holder is again directed to 28 U.S. C. § 1915(g) and is admonished for filing frivolous motions which waste the Court’s limited resources.

Thus done and signed this 13<sup>th</sup> day of June, 2008 at Lafayette, Louisiana.

  
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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE